

In Memoriam: Honorable James C. Kerwin

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Repository Citation

Anonymous, *In Memoriam: Honorable James C. Kerwin*, 5 Marq. L. Rev. 57 (1921).
Available at: <http://scholarship.law.marquette.edu/mulr/vol5/iss2/2>

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In Memoriam

HON. JAMES C. KERWIN

Twice within a short space of time has the Supreme Court of Wisconsin sustained a grievous loss. On Saturday, January 29, 1921, the Nestor of that Court obeyed the highest summons.

James C. Kerwin was born May 4, 1850, was graduated from the University of Wisconsin in 1875 whence he went to Menasha to practice law. For twelve years he was City Attorney of Neenah becoming a member of the Supreme Court in 1904 and continuing as such until his death.

Of the many decisions of that Court which were voiced through Judge Kerwin, he will, perhaps, be best remembered by two—the opinion upholding the validity of the Soldiers' cash bonus law, and *Will of Kavanaugh* (143 Wis. 90) which by overruling the previous decision of *McHugh vs. McCole* (97 Wis. 166) upheld the validity of bequests for masses as a Charitable Trust.

Almost the very language of Justice Kerwin's opinion appears in the recent decision of the House of Lords in the case of *Bourn vs. Keane* (L. R. A. C. 815 [1919]) where the English House of Lords in 1919 in reversing *West vs. Shittleworth* (2 My and K. 684 [1835]) arrived at the same conclusion and by the same reasoning with which Justice Kerwin blazed the trail in Wisconsin in 1910.

By his death the Supreme Court has suffered, the State has lost an esteemed and valued servant and the profession a learned and profound praeceptor.